

STIP

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Attorney for MARSHALL

UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RODERICK L. MARSHALL,

Defendant.

Case No.: 2:17-cr-00265-JCM-PAL

STIPULATION TO CONTINUE
SENTENCING DATE
(FIRST REQUEST)

Certification: This stipulation is filed pursuant to General Order 2007-04.

IT IS HEREBY STIPULATED AND AGREED, by and between the defendant RODERICK L. MARSHALL through his attorney BRIAN J. SMITH, ESQ., and the United States of America, through SUSAN CUSHMAN, Assistant United States Attorney, that the sentencing hearing currently scheduled for November 28, 2018, at 10:00 a.m., be vacated and continued to a date and time convenient to this court, but no event earlier than forty-five (45) days.

This Stipulation is entered into pursuant to General Order 2007-04 and based upon the following:

1. MARSHALL is currently set for sentencing on Wednesday, November 28, 2018.
2. Defense counsel was appointed to represent MARSHALL on October 4, 2018, and requires additional time for file review and the exercise of due diligence.
3. MARSHALL is in custody and does not object to this continuance.

1 4. Denial of this request for continuance would deny the defendant sufficient time to
2 be able to assist in his sentencing, taking into account the exercise of due
3 diligence.

4 5. This is the first request for a continuance of the sentencing date in this case.

5 DATED this 26th day of November, 2018.

6
7 RESPECTFULLY SUBMITTED BY:

8
9 /s/ Susan Cushman
10 SUSAN CUSHMAN
11 Assistant United States Attorney

 /s/ Brian J. Smith
 BRIAN J. SMITH, Esq.
 Attorney for MARSHALL

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FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. Defense counsel was appointed to represent MARSHALL on October 4, 2018, and requires additional time for file review and the exercise of due diligence.
2. This stipulation complies with General Order 2007-04.

CONCLUSIONS OF LAW

1. Denial of this request for continuance would deny MARSHALL the opportunity to provide substantial assistance to the Government before being sentenced in this case.
2. Denial of this request for continuance would result in a miscarriage of justice.

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3. For all of the above stated reasons, the ends of justice would best be served by a continuance of the sentencing hearing date.
 4. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).
 5. This is the first request for continuance.

ORDERED

IT IS ORDERED UNDER that the sentencing hearing currently scheduled for November 28, 2018 at 10:00 a.m., be vacated and continued to February 1, 2019 at the hour of 10:00 a.m..

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

November 27, 2018
DATED: _____